THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18440 OF 2007

DATED: 17-09-2007

BETWEEN:

T.P.Solomon Raj,
S/o.Late Raja Ratnam

…Petitioner

and

The Greater Visakhapatnam Municipal Corporation,
Visakhapatnam, rep. by its Commissioner and two others

…Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18440 OF 2007

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the official respondents in considering the petitioner's request for restoration and repair of the drain pertaining to Plot No.41, Dasapalla Hills, Visakhapatnam.

2. It is stated that the petitioner is the absolute owner and possessor of plot bearing No.41 situated at Dasapalla Hills, Visakhapatnam as the same was being allotted by the second respondent who developed the lay out. The petitioner constructed a residential house therein after obtaining the permission. However, it is stated that due to the topography of Dasapalla Hills Layout, the rainwater collects towards the rear side of some of the plots and it is not possible to dispose off the storm water into street drains. It is stated that the third respondent, who owns the plot No.99 on the south east corner of the petitioner's plot, started

digging at the boundary wall and thereby damaged the septic tank and sewer due to which the underground sewer got completely damaged as a result of which there is no outlet for the sewage and the storm water, and the same cannot be disposed of into the main municipal drain. It is also stated that in view of the illegal act of the third respondent, the petitioner also filed a suit O.S.No.904 of 2006 before the IV Additional Junior Civil Judge, Visakhapatnam seeking injunction against the third respondent and it is pending. In the meanwhile, the petitioner made a representation dated 06-11-2006, which was received by the first respondent on 07-11-2006, but no action be initiated. Therefore, the present writ petition.

3. After hearing the petitioner and considering the representation of the petitioner dated 06-11-2006 to the first respondent-Corporation, the writ petition is disposed of directing the first respondent to consider and dispose of the representation of the petitioner and take appropriate action in accordance with law. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 17-09-2007
Rns